

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:19cr344-MHT
)	(WO)
WILLIE M. BURKS, III)	

ORDER

Pursuant to the court's order of October 19, 2020, defendant Willie M. Burks, III's motion in limine (doc. no. 34) is set for oral argument on January 8, 2021. See Order (doc. no. 59). From a review of the filings, it appears that Burks's argument in the motion in limine is more properly founded on Federal Rule of Evidence 404(b), rather than on his constitutional due process rights.

Accordingly, it is ORDERED that:

(1) By noon on January 4, 2021, defendant Willie M. Burks, III should file a brief indicating whether the evidence identified in his motion in limine (doc. no. 34) should be excluded under Federal Rule of Evidence 404(b). Defendant Burks should review and cite specific Supreme

Court and Eleventh Circuit case law in support of his argument.

(2) Although the government in its response to defendant Burks's motion (doc. no. 51) already treated the motion as having been brought under Rule 404(b), if the government has any additional response regarding Rule 404(b) in light of defendant Burks's brief, the government will have until noon on January 6, 2021, to respond.

DONE, this the 29th day of December, 2020.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE